

Message

From: Walker, Mary [walker.mary@epa.gov]
Sent: 10/21/2020 9:33:20 PM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]
CC: Ashbee, Blake [ashbee.blake@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Jones, Aaryn [Jones.Aaryn@epa.gov]; Jones, Erica [Jones.Erica@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]
Subject: RE: Assumption Hearing

Thank you Jeaneanne.

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Wednesday, October 21, 2020 5:12 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Ashbee, Blake <ashbee.blake@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Jones, Aaryn <Jones.Aaryn@epa.gov>; Jones, Erica <Jones.Erica@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>
Subject: Assumption Hearing

Mary,

Below are some bullets on assumption along with background including some information on the types of comments we heard today (see bottom of the message). I also included relevant dates so you would have them handy. Let me know if you need additional information.

Thanks
Jeaneanne

- On August 20, 2020, the U.S. Environmental Protection Agency (EPA) received from the Governor of the State of Florida, a complete program submission for regulating discharges of dredged or fill material into waters within the jurisdiction of the State in accordance with the Clean Water Act (CWA). EPA is now reviewing this submission to make a decision on whether to approve or disapprove. That decision is due on or before December 17, 2020 (120 days)
- As part of this process and pursuant to CWA Section 404(h) and EPA's implementing regulations, EPA opened a 45-day comment period, which ends on November 2, 2020. In addition to the comment period EPA has also and scheduled two virtual public hearings. The first hearing was held from 9 – noon on October 21 and the second hearing will be held from 5 – 8 pm on October 27, 2020.
- In addition to our review of the package submitted by Florida, EPA also initiated a programmatic consultation under Section 106 of the National Historic Preservation Act (or NHPA) and is soliciting comments pursuant to NHPA implementing regulations during the 45-day comment period, ending November 2, 2020.
- There were 186 attendees at the October 21 hearing and 24 of those attendees offered oral comment. Individuals may also submit comments in writing or supplement their comments in writing on or before November 2, 2020.

Background:

For background information or to submit comments:

- Where to submit comments: [regulations.gov](https://www.epa.gov/dockets) Docket No. EPA-HQ-OW-2018-0640
- This is also the location where documents can be located for review
- Questions can be directed to Mr. Kelly Laycock at: (404) 562-9262 or 404Assumption-FL@epa.gov
- Visit EPA's public notice webpage for this request at: <https://www.epa.gov/publicnotices/notice-floridas-request-assume-administration-clean-water-act-section-404-program>

Types of comments we received:

- Concerns with FDEP having adequate resources (budget and person power) to run the program; numerous comments on reductions in staffing and the impact of COVID
- Concerns that 404 program will pull resources from other efforts such as TMDL and NPDES and several statements regarding FL's lack of progress in these areas
- Comments that package was incomplete because it did not contain BiOp and Incidental Take Statement and that the public does not have adequate notice on retained waters/cannot easily discern which waters are retained/assumed
- Concerns with lack of state safeguards that would replace federal programs such as NEPA, Magnuson-Stevens, ESA, and NHPA
- Positive comments regarding streamlining process, cooperative federalism, FDEP staff already having experience with running wetlands program